

Board of Commissioners
Public Hearing
The Incorporation of Richland
June 10, 2008 – 6:30 pm

The hearing was called to order by Commissioner President Rininger. Commissioners Rininger, Logsdon, Gogel, and Board Attorney Lueken were present.

Rininger introduced the county officials present. The Rules of Order were read. Gogel made a motion to adopt the rules of order. Logsdon seconded. All in favor.

Presentation In Favor of Incorporation

Nora Yeager gave the presentation in favor of the incorporation of Richland. Yeager explained the state law regarding incorporation of a town and the steps which were taken to follow it.

Yeager presented the commissioners with copies of the petition signed by residents wanting the town to be incorporated. A survey was done of the proposed boundaries and copies were given to the commissioners. A preliminary enumeration was done by physical observation and recording and was verified by James West. The population of the proposed town, including children, was said to be 357. After cross referencing the list provided by James West and lists provided by the Spencer County Plan Commission, Yeager found there to be 237 landowners and 27 renters. Notices were sent out by certified mail to all landowners and renters regarding the public hearing being held.

Yeager stated that County Assessor Sara Arnold provided a printout of all of the assessed values within the proposed town boundary. The Luce Township Assessor certified that the assessed value of the proposed town is \$13,674,600. The value of the exempt properties is \$1,211,900, leaving a taxable property value of \$12,462,700. When other exemptions are subtracted out the Net Taxable Property Assessment is \$8,358,870.

Yeager compared the assessed value of other incorporated towns with that of the proposed town.

2007 Richland	\$13,674,600
2006 Grandview	\$14,779,520
2006 Chrisney	\$8,513,470
2006 Gentryville	\$3,000,000+

Next Yeager presented copies of the affidavits signed by 128 property owners stating that they approve of the six services which have been chosen for the proposed town to provide. Indiana law states that in order for a town to incorporate it must provide six services chosen from a provided list. Dan Kincaid listed the chosen six services and their starting dates as follows:

1. Fire Protection – Fire protection will be provided by a cooperative agreement with the Luce Township Fire Department and will begin July 1, 2010.
2. Police Protection – Police protection will be provided as a contracted service with the Spencer County Sheriff's department and will begin July 1, 2010.
3. Street Construction Maintenance and Lighting – Street construction, maintenance, and lighting as needed will begin January 1, 2011.
4. Storm Sewers – Storm sewers will be provided as deemed necessary by the Town Council beginning January 1, 2011.
5. Parks and Recreation – Maintenance of the park in the center of the town and other areas acquired by the town for purposes of revitalization, recreation and beautification will begin July 2, 2011.
6. Planning, Zoning, and Sub-Division Control – Planning, zoning, and sub-division control will begin January 1, 2009.

Yeager then detailed the proposed budget, revenues and tax rate.

Budget:

Personnel Services:	Board Members	600.
	Clerk Treasurer	3,600.
	Town Attorney	1,000.
Employee Benefits:	Soc. Sec. Medicare	270.
	Per Diem	200.
Supplies:	General Office Supplies	200.
Other Services:	Legal Fees	3,000.
Communication:	Phone	600.
	Postage	250.
Printing & Advertising	Printing, ink & copies	500.
Insurance	Insurance	5,000.
Other Services:	Cont Law Enforcement	15,000.
	Park Main. & Mowing	1,600.
	Lights & snow removal	1,500.
	Street patch & seal	5,000.
	Street paving	5,000.
	Election	1,000.
	Rent	1,600.
Machinery & Equipment	Computer & Printer	2,000.
TOTAL BUDGET ESTIMATE		47,920.

Revenue from July, 2010 to Dec. 2010:

Vehicle License Excise Tax	1,750.
County Option Tax Replacement Credit(COIT)	1,050.
Commercial Vehicle Excise Tax(CVET)	800.
Alcoholic Beverage Excise	250.
Motor Vehicle Highway Account	750.
Local Road and Street Distribution	5,000.
Riverboat Gaming Tax	1,050.
County Economic Development Income Tax(CEDIT)	2,500.
TOTAL FROM JULY, 2010 TO DEC. 2010:	13,150.

Revenue from Jan. 2011 to Dec. 2011:

Vehicle License Excise Tax	3,500.
County Option Tax Replacement Credit(COIT)	2,100.

Commercial Vehicle Excise Tax(CVET)	1,600.
Alcoholic Beverage Excise	500.
Motor Vehicle Highway Account	1,500.
Local Road and Street Distribution	10,000.
Riverboat Gaming Tax	2,100.
County Economic Development Income Tax(CEDIT)	<u>5,000.</u>
TOTAL FROM JULY, 2010 TO DEC. 2010:	26,300.

Tax Rate Calculation:

Budget Estimate for 2011	47,920.
Add'l Approp. for July to Dec. 2010	<u>23,960.</u>
TOTAL FUNDS REQUIRED:	71,880.

Taxes to be collected, present year	10,810.
Estimated Revenues 2010 (listed above)	13,150.
Estimated Revenues 2011 (listed above)	<u>26,300.</u>
TOTAL FUNDS:	50,260.

Net amount to be raised for expenses	21,620.
Amount to be raised by Tax Levy	21,620.
NET TAX RATE	0.26 per 100 dollars of taxable property

Yeager compared the proposed tax rate to the tax rate of other incorporated towns:

Richland	0.26
Chrisney	0.44
Grandview	0.39

Kincaid then thanked everyone for coming to the hearing. He stated that if Richland is not incorporated it will die in ten years. He said that Richland has become the dumping ground for Warrick, Vanderburgh and the surrounding counties. The only way to stop it is to stand together. He stated that he spoke with Representative Susan Crouch and she said that with the new laws, if Richland does not incorporate it is doomed.

Plan Commission Recommendation

Lueken read the recommendation of the Spencer County Plan Commission as follows:

Pursuant to Indiana Code 36-5-1-4, the Spencer County Plan Commission met in regular session during its April and May regular meetings to make its recommendations and findings regarding the petition filed with the Spencer County Board of Commissioners regarding the proposed incorporation of Town of Richland.

Based upon Indiana Code 36-5-1-8, the Spencer County Advisory Plan Commission makes the following findings:

1. The Commission is unable to determine whether or not the tax rate of .26 is sufficient and adequate to provide the city services proposed in the petition, pursuant to Indiana Code 35-6-1-8 (5).
2. The Commission is unable to determine whether or not a substantial majority of the property owners in the proposed town have agreed that at least six (6) enumerated municipal services should be provided on an adequate basis, pursuant to Indiana Code 36-5-1-8 (4).
3. The Commission has requested the Friends of Richland to present to the Board of Commissioners on or before the public hearing on June 10, 2008, written verification and evidence that a substantial majority of property owners in the proposed town agree with the services to be provided under Indiana Code 36-5-1-8 (4).
4. The Commission further finds that the requirements of Indiana Code 36-5-1-8 (1), (2), and (3) have been adequately addressed.
5. The Commission, by a vote of 6-0, with three (3) members absent, recommends proceeding with the proposed Town of Richland by finding the final section, of Indiana Code 36-5-1-8 (6) has been met, IF, AND ONLY IF, (1) adequate evidence is presented to the Board of Commissioners that a substantial majority of property owners in the proposed town are in favor of the municipal services to be provided, pursuant to Indiana Code 36-5-1-8 (4), and (2) that the Board of Commissioners is satisfied that the proposed town can adequately finance municipal services with a reasonable tax rate, based upon current assessed valuation, pursuant to Indiana Code 36-5-1-8 (5).

Nathan Helms
President, Spencer County Advisory Plan Commission

Speakers in Support of the Petition to Incorporate

Ellen Sarver: Sarver stated that the town must move forward or it is moving backward. Anytime anything is left alone, and not cared for, it depreciates, loses value. She stated that she wants Richland to move forward and incorporate.

Samantha Meece: Meece stated that if you have a car and you do not take care of it, it will become useless. She said our homes are our biggest investment and it needs to be taken care of. Meece described an incident in which a neighbor interrupted her child's birthday party needing protection from someone who was beating her. Another time her daughter witnessed a half-naked woman getting beaten. Her daughter now is having emotional problems. She said that when she lived in Indianapolis she never experienced physical or verbal assaults like what she has experienced in Richland.

Jim West: (West provided a copy of his statement and it is included as written.) My name is Jim West and I am a lifetime resident of Richland as was five generations of my family. Richland in my opinion is like a person with a terminal disease, who refuses to go to the doctor. Richland has been deteriorating for several years by losing business places, homes in foreclosure, people moving, and properties not being maintained. There are presently 21 or 22 vacant houses in Richland, some for sale, some owned by creditors, and some owned by people that don't live here. This has led to indifference, drug activity, and complacency. Will Incorporation solve all of our problems? Probably not. But it will give us the tools to change things, because of ordinances, and resources. I would like to see Richland become a clean and safe place to raise families for future generations and be proud of where they live. I would like to say in closing my statement that I love every square inch of Richland. I hope and pray that when it comes my time to pass from this world, that I could be reunited with my family, my friends and my neighbors, people this is what a small town is about.

Ramona Daming: (Daming provided a copy of her statement and it is included as written.) My name is Ramona Daming. I live at 6087 W. Second Street in Richland, having moved to this address in 1965 from an apartment in Rockport. My husband Paul and I owned a lot behind Sunset Hill Cemetery and were saving to build there, but with the addition of two babies we out grew the apartment and moved to Richland as renters until we could build and move into our new home in Rockport. We lived in Richland a year and were told our rent house was being sold due to the owner's health problems. We had come to enjoy the town, the neighborhood and the people and the way of life. We decided this is where we wanted to raise our two boys, so we sold the lot in Rockport and bought the house we were living in. A short time later I attended a town meeting at the old Richland High School to discuss incorporating. I hadn't a clue what it all meant but I remember after much heated discussion by the towns folk it was decided to "leave it like it is." Now some 40 years later I find that seldom does anything "stay as it is." It either gets better or it gets worse. Richland speaks for itself as the "get worse side." Older people have passed away, their properties sell, younger people move when they see how things are changing, the lucky ones move to the outskirts of town to avoid the effects of the decline. Properties are bought by absentee owners and never maintained, there are drug issues and a just plain "I don't care look" about the town. On one street alone there are three of the un-maintained properties and there has been two drug busts. Some will say "If you don't like it, why don't you leave." Believe me, we've tried. We have had two realtor appraisals in six months and both were the same, "You have a great property, here's the price, but you'll have to cut it quite a bit because of the neighborhood." We've worked too hard to give our home away. There are people in the town with the attitude if it doesn't affect me – let it be. I believe if this incorporation is not approved we will all be affected. Without the funding available to an incorporated town to improve and maintain the town and therefore increase our property values, it will worsen even further. Will that be the legacy we leave our children and grandchildren. Thank you.

Tammy Lafferty: (Lafferty provided a copy of her statement and it is included as written.) My name is Tammy Lafferty. I have lived in Richland for 40 years in the same house at 4306 N. Harrison St. I remember the clean quaint town that Richland once used to be. Slowly and sadly, I have watched Richland deteriorate – as the old people died off, houses went in disrepair, and our town was swallowed up with drug dealers.

Why do we want the incorporation? It will give us: (1) Local control of what Richland needs. We can control our town from deteriorating any further. We can rejuvenate Richland into the clean quaint town that it once was. Who better to decide what Richland needs than our own residents? How many of you in the audience would like sidewalks? What about our need for storm sewers? Don't we need to get the standing water out of

Richland? This will give us a healthier environment to raise our families in. (2) City ordinances - we don't want to turn into Newburgh. I love the country life just like everyone else. But we must hold companies like Lilco, who own several of our properties here in Richland, accountable. This is a company from Louisville, Kentucky. Do you think they care that the weeds are higher than the windows on their properties? I don't think so; we must hold them accountable for our community's health and well being. We, the residents of Richland, care about our community and without city ordinances our property values will continue to go down. What about our greatest investment? Our homes. (3) More police protection. We will contract our own police protection if we are incorporated. Richland needs this. Why do I say this? A woman was beaten in my neighbor's home and came to my back door bleeding and crying. She was really hurt. The ambulance was called and they beat the police there due to the officers being in the Northern part of the county. They cannot be everywhere in the county when needed. We need this police protection for our families' safety. (4) Richland will receive revenues from taxes. Gaming, alcohol, and tobacco taxes will come to us. We need this money to stop the deterioration. Our residents will "know" what to do with this money. We can and will revive Richland again. (5) Economic Development is yet another reason we need this incorporation. With the increasing gas prices, wouldn't you like to have a small restaurant in Richland? What about other small businesses? We need convenience, too. Incorporation enhances our chances for economic development. Did you know that there are several state programs available to use to provide technical assistance for economic development? They even help us with funding projects! Our residents can later decide that we need a community building at the park for our children. We have this opportunity, if we are incorporated.

We can look at it this way: If we incorporate and small businesses do move into our area it will save us on gas! We have many, many very intelligent residents in our community, so why don't we tap that talent to make Richland a great place to call home. We know what our town needs and we can take care of ourselves and do just that. Our benefits are: (1) Property values will increase. (2) We will gain our town back to rejuvenate it. (3) We will gain local control of what our Richland residents need. (4) We will enforce ordinances to stop the deterioration and provide a healthier environment for our families. (5) We will get more police protection to eliminate the drug dealers and provide a safer environment for our families. (6) We will gain much needed economic development. (7) We will get tax money directly for Richland residents to use for what Richland needs. Remember deterioration or rejuvenation. We need change. I vote the latter and I am not alone. We can do this together! I love Richland and I want to stop it from dying. We need to incorporate Richland. Thank you.

Neal Thomas: (Thomas provided a copy of his statement and it is included as written.) I'm Neal Thomas and I'm speaking in favor of incorporation because I think it's the last chance to save Richland as a viable community. When I was in grade school, Rockport dominated Spencer County, but four other towns were also thriving. When you drove into Chrisney, Dale, Grandview or Richland you saw a Main Street full of all sorts of small businesses, a feed mill and a high school. Today, though, the feed mills and high schools are long gone, the three incorporated towns still have many retail establishments on Main Street. Richland has the Brady house.

My grandfather built the house I live in in 1907 to be closer to Richland, the commercial, social and educational center of Luce Township in those days before trucks and tractors. When my mother was born in the house in 1913 she was his 12th child and eight of those children settled in and around the town to raise their families. My father was born three years earlier in a similar family setting about the same distance from Moran, which functioned in the same way in Owen Township in Clinton County. Both towns were about 10 miles from their county seats (Rockport and Frankfort) and about 25 miles from one of Indiana's larger cities (Evansville and Lafayette). Both were on a state highway and had rail connections for passengers and freight. Each had a high school, a post office, a doctor and much commercial activity. Moran lacked only two strengths that Richland had – a bank and any type of community organization other than a PTA and a Methodist church. When I was born in Moran in 1936 and well into the 50's both towns were still thriving, but trucks, cars and tractors were beginning to erode Moran's importance.

The huge grain elevator by the railroad burned one night and was never replaced. A tornado clipped some off the upper story of the grade school – the high school had been gone for years – and it was never

repaired. A young Dunkard turned the school grounds into a mini-farm and that's the last construction other than a garage or yard barn I remember in town. When Edith Wingate retired the only remaining grocery store closed. Herb Heise was caught in his mechanic shop/filling station by a tornado and never rebuilt. Uncle Robb Lipp retired from his John Deere dealership and the company pulled out of the area. At the last you couldn't buy anything in town but a stamp, and when my grandmother retired as postmaster they closed the office. The only non-residential building in town still functioning was the Methodist Church. My family and a few others kept it alive, but when my Uncle Ed Thomas (Dad's brother) could no longer teach the adult Sunday School class, the church too pulled out.

Uncle Ed had served two terms as township trustee and two terms as county commissioner, but there wasn't anything he could do to save Moran. The county still maintains a few blocks of streets, but as older residents leave their homes, it takes about three renters until they burn up with a meth lab or just rot away. Nearby farmsteads are bulldozed and restored as cropland, but the city lots become worse than worthless and so it's become a rural slum.

My family are churchgoers, so each week they spend about an extra \$5 on gas at today's energy costs to attend, some \$250 per year. That's more than anyone's projected tax increase if Richland incorporates. At least once a week they must also go somewhere else to get a loaf of bread, gasoline for the lawnmower, or some other simple purchase. Because Moran is not there, they spend at least an extra \$500 per year, their town property has little value and the druggies have a free hand.

I hope Richland can avoid Moran's fate. Besides the \$500 or more extra I would have to spend that my Moran family does, I would miss the library, the post office, the businesses we have left, Luce Elementary and my church. No organized group cared about Moran and they lost everything. Incorporation can keep that from happening in Richland.

When fifty years ago the Lions Club was founded, it became Richland's de facto government. It had no taxing power, of course, but ample donations made it and the town thrive. We started a youth baseball program, which since the township began supporting it with tax money has become the biggest thing we have going in town. We started a fire department with one ancient army surplus pumper. With tax funding the Luce Township Volunteer Fire Department is easily the best in the county and one of the best in the area. We began maintaining the old school ground as a park with volunteer mowers. It looks a lot better now that tax funds are used to pay for the mowing of most of it.

But our street light project illustrates why volunteers can only go so far. We just can't deal with freeloaders. For the first few years donations kept a surplus in the street light fund, but then it became necessary to canvas Main Street asking for money. When the Lions members went to the ***** house begging, *****'s reply was, "That street light has been in my front yard for years, and I've never had to pay a dime on it, and I'm not going to now." And he never did. He's been dead for years and the house is falling down with no one to pay for cleaning the lot – but the street light still comes on every night, just as it has for decades.

However, at our last Lions meeting only five of the members present live inside Richland and two of those have celebrated their 70th birthday. The treasurer told us the entire profit from our spring barbecue would not be enough to pay the \$900 the street lights cost us each year. Of the 12 others attending that night, six more are retired and range in age up to 97. We just don't have the energy or the income to carry the freeloaders any longer. So the light at the ***** house is going out unless the town incorporates and saves the program. An all volunteer group can't save it or Richland.

Marion Brandenberger: Brandenberger stated that he has lived in Richland 33 years. He remembers when it was a clean town. He has strong family ties in Richland. He remembered being able to buy groceries in town and never hearing much about drugs. He thanked the Friends of Richland for all that they have done, including the clean up of Stone's Tavern. He said he has seen the decline in Richland and if nothing is done it will not exist.

Terry Sarver: Sarver stated that he agrees with all of the previous speakers. He is the president of the neighborhood watch. He stated that his phone rings off the wall every night and the amount of meth in Richland

is unbelievable and they need the police protection. He stated that now that people have come together as a group the town has looked better. He said that whatever problems incorporation might bring, he is ready for a different set of problems.

Christian Decker: Decker stated that he is originally from Warrick County and moved to Richland 13 years ago. He stated that there has been a vast amount of degeneration in those 13 years. He sees incorporation as the last chance to be able to raise his children in Richland safely. He stated that many of the lots in Richland have been purchased by people who have never even seen them, so they do not care what they look like. He stated if the town incorporates it will take the burden off of the commissioners.

Speakers in Opposition of the Petition to Incorporate

Antoinette Florian: Florian stated that she moved from Chicago. She left Chicago to avoid the meth problems. She stated that she lived in an area which incorporated while she was there. She said her taxes went from \$1,000 to \$3,000 and when she left they were \$5,000. She said that the people in favor of the incorporation have forgotten about many of the start up costs, such as mayor salary, council salary, purchase of property, and furnishing the town hall, along with many others. She said that she is on a fixed income and any increase in taxes is too much for those on a fixed income.

Thomas Kuchenbrod: Kuchenbrod stated that there are three parts of the Friends of Richland. One deals with cleaning up the town, and they have done and are doing an outstanding job. One part deals with the neighborhood watch, and it is also outstanding. The third part is dealing with the incorporation. Kuchenbrod stated that it is being pushed too fast and it does not need to happen right now. He said he does not want to be told how high his grass should be or how many sheep he can own. He stated that he did not want three people in town to tell him what he should be doing with his property. He further stated that sub-contracting an officer would not work, because they would still be a county officer first and anytime they were needed they would leave. Kuchenbrod concluded by saying that the two parts of the Friends of Richland have done a lot for Richland, but the incorporation part is moving too fast.

Ed Ingram: Ed Ingram presented a petition 76 people signed in opposition to the incorporation. He stated that he went through the assessed evaluations which were used and he found mistakes. He said that the processes is moving too fast and the town should take a step back and evaluate whether it is a good idea. He said six months is way to fast.

Ingram addressed services the town has proposed to provide. (1) Police protection – Ingram stated that he spoke with the Sheriff and he was told that no contract will be signed without talking to the commissioners about how it could work. (2) Fire protection – Ingram said the town currently has fire protection and nothing will change with that protection. (3) Paving – Ingram stated that he spoke with the county engineer and she said it would take at least \$25,000 if the county does the work. (4) Storm Sewer - Ingram stated that the water in Richland will only leave as fast as Hoople Drain can take it away regardless of how many storm sewers are installed. (5) Parks and Recreation – He said the township is already paying to have it mowed, why would the town want to take full responsibility for something that they do not own. Ingram concluded by asking the commissioners to consider everything carefully before making a decision.

Dannie Downs: Downs stated that he has lived in Richland for 30 years. He stated that he was originally from an incorporated town in Kentucky which employed a full time police officer. He said that Richland has no drug problem compared to the problem that town has with meth. He also stated that he lives on a fixed income and worries about a tax increase when the cost of gas is rising so fast. Downs concluded by stating that he is a firm believer in the democratic process and he would like the incorporation to be put to a vote and if the majority voted to incorporate then he would support it.

Closing Remarks

Rininger asked if there were any additional comments. No response.

Rininger stated that there will be no decision made tonight. The commissioners will discuss the incorporation at the next regular meeting on June 24th. Gogel thanked all who participated in the hearing, stating that this is what makes our county great. Logsdon agreed with Gogel and thanked everyone for being respectful

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to each other. Rininger concluded by stated that the commissioners will follow the statutes set out in Indiana Code, and that public comments are important.

Logsdon made a motion to adjourn. Gogel seconded. All in favor. The hearing was adjourned at 8:39 pm.

Board of Commissioners,

_____ President	_____
Attest:	
_____ Cindy Shelton, Auditor	_____
